



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,070	06/14/2001	Hiroshi Tsuda	826.1730	6446
21171	7590	01/24/2006		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
			EXAMINER LEROUX, ETIENNE PIERRE	
			ART UNIT 2161	PAPER NUMBER

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,070

Applicant(s)

TSUDA, HIROSHI

Examiner

Etienne P LeRoux

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8 and 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 1/20/06
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/16/2005 has been entered.

Claims Status

Claims 1-5, 7, 8 and 10-22 are pending. Claims 6 and 9 have been cancelled. Claims 1-5, 7, 8 and 10-22 are rejected as detailed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites “collecting a number of documents into a collected document group until the number of documents is equal to or larger than a predetermined value.” The specification does not include a description of the process of determining the number of documents in the claimed “collected document group” such that a skilled technician would be convinced that the inventor at the time of filing instant application had possession of the invention. For purposes of this Office Action, examiner assumes that the claimed predetermined value = 1.

Claim 1 recites “the reference defining a relationship between the referring documents and referenced documents inside or outside the community.” The specification does not include a description of the process of determining referring documents from outside the community to a referenced document inside the community such that a skilled technician would be convinced that the inventor at the time of filing instant application had possession of the invention. For purposes of this Office Action examiner assumes that only referring documents within the community are considered because it would be an impossible task to evaluate each and every document on the Word Wide Web to determine if a document on the World Wide Web is a referring document, i.e., referred to a document within the community.

Claim 1 recites “the reference relation defining a relationship between the first documents and second documents inside or outside the community linked to the first documents.” The specification does not contain a concise description of the claimed “reference relation” such that a skilled technician can make and use the invention.

Claim 1 includes first documents, second documents and third documents. The specification does not contain a concise description of above first documents, second documents and third documents such that a skilled technician can make and use the invention.

Art Unit: 2161

Claims 2-5 are rejected for being dependent from a rejected base claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “collecting a newly collected document group from inside and outside the community based on the reference collected document group from inside the community.”

There is not sufficient antecedent basis for “the reference collected document group.” For purposes of this Office Action, patentable weight will not be given to “the reference collected document group.”

Claims 2-5 are rejected for being dependent fro a rejected base claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Art Unit: 2161

Claim 21 recites "A computer data signal embodied on a carrier signal expressing a program." The MPEP in Section 2100 states that since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process and Office personnel should treat a claim for a computer program without the computer readable medium needed to realize the program's functionality as non-statutory descriptive material. A computer signal embodied on a carrier does not qualify as a computer readable medium.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 8 and 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,434,556 issued to Levin et al (hereafter Levin), as best examiner is able to ascertain.

Claim 1, 16, 17, 19, 21 and 22:

Levin discloses:

collecting a number of documents into a collected document group [nine sites, Fig 1, col 6, lines 1-15], the documents being collected from inside a community [search result, Fig 1 col 5, line 65 – col 6, line 15] through the network based on a reference of each document in the collected document group, the reference defining a relationship between referring documents and

Art Unit: 2161

reference documents inside or outside the community which are linked to the referring documents [direction of arrow, col 9, lines 20-30]

collecting a newly collected document group from inside and outside the community based on the reference collected document group from inside the community [col 9, line 60 through col 10, line 12]

Levin discloses the elements of the claimed invention as noted above but does not disclose until the number of documents (in the collected document group) is equal to or larger than a predetermined value. However, Levin discloses the maximum size of the community [hits per col 7, line 42]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Levin to include until the number of documents (in the collected document group) is equal to or larger than a predetermined value based on the above teaching of Levin for the purpose of obtaining a subset of information of interest to the user [Levin, col 1, line 45-50].

Claim 2:

Levin discloses the elements of claim 1 as noted above and furthermore, discloses computing a significance level indicating a level of significance of a collected document belonging to the newly collected document group according to references to the collected document, and information about a position of the collected document in the network, determining new documents to be collected based on the references from and the significance level of the collected document [Fig 3B].

Claim 3:

Art Unit: 2161

Levin discloses wherein said new documents are determined separately for inside the community and for outside the community [col 9, line 60 through col 10, line 12]

Claim 4:

Levin discloses presenting a result of retrieving the documents separately for inside the community and outside the community [Fig 10, col 9, line 60 through col 10, line 12]

Claim 5:

Levin discloses determining whether any of the documents is in the community according to information indicating the position of the document in the network [col 9, line 60 through col 10, line 12]

Claims 7, 18 and 20:

Levin discloses providing a positive sample group and a negative sample group [Fig 1, upper-left to lower right, col 6, lines 40-65]

determining a prospective document for collection that is related to the field based on a reference relation to the positive sample document group and the negative sample document group by computing a reference score indicating a level at which the prospective document is referenced only by at least one document in the positive sample group based on the reference relation which determines a relationship between original documents and linked documents belonging to the positive sample group or to the negative sample document group which are linked to the original documents

collecting the prospective document having a high reference score [Fig 1, upper-left to lower right, col 6, lines 40-65]

Claim 8:

Art Unit: 2161

Levin discloses providing a positive sample document group relating to a field, and a negative sample document group less related to the field [Fig 1, upper-left to lower right, col 6, lines 40-65], determining a prospective document for collection that is related to the field based on a reference relation to the positive sample document group and to the negative sample document group by computing a co-reference score indicating a level at which the prospective document is referenced together with a first collected document in the positive sample document group for a second collected document referenced by a third collected document referring to a fourth collected document in the positive sample document group based on the reference relation which defines a relationship between original documents and linked documents belonging to the positive sample document group or to the negative sample document group which are linked to the original documents and collecting the prospective document having a high co-reference score [col 6, lines 40-65].

Claim 10:

Levin discloses summarizing the collected documents based on a referencing expression used in the collected documents [Fig 1]

Claim 11:

Levin discloses assigning a keyword to the collected documents based on a referencing expression used in the collected documents [col 12, lines 50-65, Fig 6, step 470]

Claim 12:

Levin discloses not assigning a keyword based on the referring expression when the referencing expression is used regardless of a content of a reference document [Fig 1, links are not based on a keyword]

Art Unit: 2161

Claim 13:

Levin discloses counting a number of different documents referenced using the referencing expression and not assigning the keyword based on the referencing expression when the number of different documents is equal to or larger than a predetermined value [Fig 1, links are not based on a keyword]

Claim 14:

Levin discloses counting a reference frequency at which each collected documents is referenced by the referencing expression when the number of different documents is smaller than a predetermined value and determining whether or not the referencing expression is assigned as the keyword based on the number of different documents and the reference frequency [referencing expression is not assigned a keyword because predetermined value = 0]

Claim 15:

Levin discloses combining the keyword based on the referencing expression with a keyword extracted from text of the collected document, and a keyword extracted from information indicating a position in the network about the collected document [Fig 1, stadiumview and col 12, lines 50-65, Fig 6, step 470 and search result, Fig 1 col 5, line 65 – col 6, line 15] .

Response to Arguments

Applicant's arguments filed 11/16/2005 have been fully considered but are moot based on above new art rejection required by the most recent claim amendments.

Art Unit: 2161

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

1/20/2005

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', is written over the typed name and date.